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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re:)
) Bankruptcy Case No. 09-29905
EASY STREET HOLDING, LLC, *et al.*,) Jointly Administered with Cases
) 09-29907 and 09-29908
Debtors.) Chapter 11
Address: 201 Heber Avenue)
Park City, UT 84060) [FILED ELECTRONICALLY]
)
Tax ID Numbers:)
35-2183713 (Easy Street Holding, LLC),)
20-4502979 (Easy Street Partners, LLC), and)
84-1685764 (Easy Street Mezzanine, LLC))
)

**DECLARATION OF NON-RESPONSE TO JOINT MOTION TO APPROVE
STIPULATION WITH ELLIOTT WORKGROUP, LLC**

The undersigned hereby declares and certifies as follows:

1. On July 14, 2010, Easy Street Partners, LLC (“Partners” or the “Debtor”) and WestLB, AG (“WestLB” and, together with Partners, the “Parties”) filed with the Court the Joint

Motion to Approve Stipulation with Elliott Workgroup, LLC [Docket No. 614] (the “Joint Motion”).

2. On July 15, 2010, the Parties filed an exhibit to the Joint Motion with the Court consisting of a stipulation between the Parties and Elliott Workgroup, LLC [Docket No. 617] (the “Stipulation”) whereby the Parties agreed to a resolution of Elliott Workgroup, LLC’s claim in this case.

3. In connection with the Joint Motion and Stipulation, on July 16, 2010, the Parties filed a notice of hearing [Docket No. 630] (the “Notice of Hearing”) notifying all parties in interest that any response to the Joint Motion needed to be filed with the Court on or before August 3, 2010, and also providing notice of a hearing on the Joint Motion scheduled for September 7, 2010.

4. As set forth in the certificate of service filed on July 19, 2010 [Docket No. 641] (the “Certificate of Service”), a copy of the Joint Motion, Stipulation, and Notice of Hearing were served by U.S. Mail postage prepaid on all parties in interest in this case on July 16, 2010.

5. As also set forth on the Certificate of Service, a copy of the Joint Motion, Stipulation, and Notice of Hearing were also served electronically through the Court’s CM/ECF system on all parties who have elected to receive such service in this case.

6. According to the Court’s electronic docket in this case, no objections or other responses to the Joint Motion have been filed with the Court as of the date of this declaration. Further, no written objections or responses have been received by the Parties’ counsel as of the date hereof.

7. Accordingly, pursuant to Local Rule 9013-1(c), the Parties request that the Court enter an order in the form submitted herewith granting the Joint Motion and the relief requested therein without a hearing. The Parties further request that the Court strike the hearing on the Joint Motion currently scheduled for September 7, 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 31st day of August, 2010.

/s/ Scott A. Cummings
Scott A. Cummings